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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,809	12/26/2001	Tomo Watanabe	041465-5131	5982
9629	7590	12/14/2005	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			GELAGAY, SHEWAYE	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/025,809		WATANABE ET AL.	
	Examiner		Art Unit	
	Shewaye Gelagay		2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed on October 1, 2005. Claims 1-4, 8-9, 11-12, 15, 17-19, 21, and 23-24 have been amended. Claims 1-24 are pending.

Claim Rejections - 35 USC § 112

2. The Examiner withdraws the rejection of claim 1 under 35 U.S.C. 112.

Response to Arguments

3. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection. In response to the arguments concerning the previously rejected claims, the following comments are made:

The Applicant argues Ikeda (U.S. Pub. 2002/0174360) does not teach "the device ID is replaced with another password". The Examiner asserts that the particular feature was shown to be obvious under the combination of Shimada (U.S. 5,922,073). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). With regard to the Applicant's argument regarding Ikeda does not teach "the device ID is recorded onto the service server", is not relevant to the claims that were rejected.

The Applicant argues Ikeda and Shimada do not teach that the replaced attribute data is recorded onto the recording medium and a password that is common for a plurality of data processing apparatuses. The Examiner disagrees and maintains the rejection. Ikeda discloses a plurality of electronic appliances being assigned a unique device ID, (Page 1, paragraph 9) and a password for the user. (Page 7, paragraph 133) Shimada discloses an attribute data addition unit that adds attribute data that receives the addition request replaces attribute data of the designated data in the data-attribute table included in a memory. (Col. 4, line 10-16) Ikeda also discloses a rewritable memory to rewrite the programs and factory preset data as necessary for updating. (Page 5, paragraph 97) and also a disk drive that reproduces the recording medium that transfers map information that has been reproduced from the recording medium to the DRAM via the bus. (Page 6, paragraph 18) Furthermore, Ikeda discloses a password recorded on the recording medium. (Page 10, paragraph 180; the navigation system may send a password together with the navigation ID)

In response to applicant's argument that references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the update-data has been previously recorded on the recording medium") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Applicant argues Morisawa et al. (hereinafter Morisawa, U.S. 5,537,544) does not teach "the password is replaced with another password". The Examiner

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asserts that the particular feature was shown to be obvious under the combination of Shimada. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The Examiner disagrees with the applicant and maintains all rejections. All amendments and argument by the Applicant have been considered. It is the Examiner's conclusion that claims 1-24 are not patentably distinct or non-obvious over the prior art of record in view of the references Ikeda, Shimada and Morisawa. Therefore, all the rejection is maintained as given below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 4-5, 7-16, 18-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda United States Publication Number 2002/0174360 in view of Shimada United States Letter Patent Number 5,922,073.

As per claim 1:

Ikeda teaches a recording medium on which it is possible to record a password; wherein

the password is any one of a first password that cannot be updated and that is unique for each individual data processing apparatus, (Page 2, paragraph 14; ... a device ID that is uniquely assigned to each electronic appliance ...)

the data that are used in data processing by said data processing apparatus are recorded; (Page 4, paragraphs 71, 72 and 91; ... information that is read from an internally reproduced recording medium ...) and

Ikeda does not explicitly disclose a second password that is common for a plurality of data processing apparatuses including said data processing apparatus and that can be re-written to said first password; and said second password is recorded on said recording medium before being installed in said data processing apparatus.

Shimada in analogous art, however, discloses a second password that is common for a plurality of data processing apparatuses including said data processing

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apparatus and that can be re-written to said first password; (Col. 1, lines 46-49; Col. 3, lines 38-40) and said second password is recorded on said recording medium before being installed in said data processing apparatus. (Col. 4, lines 14-17)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the recording medium disclosed by Ikeda to include a second password that is common for a plurality of data processing apparatuses including said data processing apparatus and that can be re-written to said first password; and said second password is recorded on said recording medium before being installed in said data processing apparatus. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Shimada (Abstract) in order to compare two passwords to permit access to the data based on the comparison results.

As per claim 4 and 11:

Ikeda teaches a data processing apparatus and a recording medium with pre-installed a re-writable recording medium and comprising:

a password memory device for storing a first password that is unique for each data processing apparatus, and which must be used in order to perform recording of data on or reproduction of data from said recording medium; (Page 6, paragraph 98)

a recording and reproduction device for using said stored first password to perform recording or reproduction; (Page 4, paragraphs 71, 72 and 91)

Ikeda does not explicitly disclose a judgment device for determining whether or not it is possible to perform recording of data to or reproduction of data from an update

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recording medium by using a second password, which must be used in order to perform recording of data on or reproduction of data from said update recording medium, that is another medium, and that is used when updating the data on said recording medium; an update device for updating said data on said recording medium by using the data recorded on a proper update medium, which has been determined to be a proper update recording medium for which it is possible to perform either recording or reproduction by using said second password; and a change device for changing said second password to said first password after updating said data.

Shimada in analogous art, however, discloses

a judgment device for determining whether or not it is possible to perform recording of data to or reproduction of data from an update recording medium by using a second password, which must be used in order to perform recording of data on or reproduction of data from said update recording medium, that is another medium, and that is used when updating the data on said recording medium; (Col. 3, lines 47-55)

an update device for updating said data on said recording medium by using the data recorded on a proper update medium, which has been determined to be a proper update recording medium for which it is possible to perform either recording or reproduction by using said second password; (Col. 3, lines 40-44) and

a change device for changing said second password to said first password after updating said data. (Col. 3, lines 38-40)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Ikeda. This

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modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Shimada (Abstract) in order to strictly protect confidential information in a data processing apparatus. This way, services can be restricted to users whose passwords have been determined valid.

As per claim 5, 10 and 12:

Ikeda and Shimada teach all the subject matter as discussed above. In addition, Shimada further discloses a data processing apparatus, a method and a recording medium wherein said second password is common for a plurality of said proper update recording media. (Col. 1, lines 46-49; Col. 3, lines 38-40)

As per claim 7:

Ikeda and Shimada teach all the subject matter as discussed above. In addition, Shimada further discloses a data processing apparatus wherein said second password is supplied externally together with said update recording medium. (Col. 3, lines 38-40)

As per claim 8:

Ikeda teaches a data processing apparatus with pre-installed a re-writable recording medium and comprising:

a first password memory device for storing a first password that is unique for each individual data processing apparatus and that must be used in order to perform either recording of data on or reproduction of data from said recording medium; (Page 6, paragraph 98)

a recording and reproduction device for performing either recording or reproduction of data using said stored first password; (Page 4, paragraphs 71, 72 and 91) and

Ikeda does not explicitly disclose a second password memory device for storing a second password that must be used in order to perform either recording of data on or reproduction of data from an update medium, which is another medium, and which is used when updating the data on said recording medium.

Shimada in analogous art, however, discloses a second password memory device for storing a second password that must be used in order to perform either recording of data on or reproduction of data from an update medium, which is another medium, and which is used when updating the data on said recording medium. (Col. 1, lines 46-49; Col. 3, lines 38-40; Col. 4, lines 14-17)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the apparatus disclosed by Ikeda to include a second password memory device for storing a second password that must be used in order to perform either recording of data on or reproduction of data from an update medium, which is another medium, and which is used when updating the data on said recording medium. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Shimada (Abstract) in order to compare two passwords to permit access to the data based on the comparison results.

As per claim 9:

Ikeda teaches a data processing method for a data processing apparatus with pre-installed a re-writable recording medium and comprising:

a password memory process for storing a first password that is unique for each data processing apparatus, and which must be used in order to perform recording of data on or reproduction of data from said recording medium; (Page 6, paragraph 98)

a recording and reproduction process for using said stored first password to perform recording or reproduction; (Page 4, paragraphs 71, 72 and 91)

Ikeda does not explicitly disclose a judgment process for determining whether or not it is possible to perform recording of data on or reproduction of data from an update recording medium by using a second password, which must be used in order to perform recording of data on or reproduction of data from said update recording medium, that is another medium, and that is used when updating the data on said recording medium; an update process for updating said data on said recording medium by using the data recorded on a proper update medium, which has been determined to be a proper update recording medium for which it is possible to perform either recording or reproduction by using said second password; and a change process for changing said second password to said first password after updating said data.

Shimada in analogous art, however, discloses

a judgment process for determining whether or not it is possible to perform recording of data on or reproduction of data from an update recording medium by using a second password, which must be used in order to perform recording of data on or

reproduction of data from said update recording medium, that is another medium, and that is used when updating the data on said recording medium; (Col. 3, lines 47-55)

an update process for updating said data on said recording medium by using the data recorded on a proper update medium, which has been determined to be a proper update recording medium for which it is possible to perform either recording or reproduction by using said second password; and (Col. 3, lines 40-44) and

a change process for changing said second password to said first password after updating said data. (Col. 3, lines 38-40)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Ikeda. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Shimada (Abstract) in order to strictly protect confidential information in a data processing apparatus. This way, services can be restricted to users whose passwords have been determined valid.

As per claim 13:

Ikeda teaches a data processing apparatus with a re-writable recording medium and a controlling device, wherein

the re-writable recording medium comprises first data; (Page 4, paragraphs 71, 72 and 91) second data which is used for updating the first data; (Page 13, paragraph 232) a first password which is used for access to the first data; (Page 2, paragraph 14) and

the controlling device clears restriction of access to the first data with the use of the first password; (Page 13, paragraph 225, ... by comparing the received navigation ID and password with the registered navigation ID and password...)

the controlling device updates the first data with the second data when the second data is determined to be original. (Page 13, paragraph 232; the navigation system stores the received update data files by writing them in the DRAM, the memory or the storage unit)

Ikeda does not explicitly disclose a second password that is used for access to the second data and a controlling device that determines whether the second data is original with the use of the second password.

Shimada in analogous art, however, discloses a second password that is used for access to the second data and a controlling device that determines whether the second data is original with the use of the second password. (Col. 3, lines 38-40)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the apparatus disclosed by Ikeda to include a second password that is used for access to the second data and a controlling device that determines whether the second data is original with the use of the second password. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Shimada (Abstract) in order to compare two passwords to permit access to the data in accordance with the comparison results.

As per claim 14:

Ikeda and Shimada teach all the subject matter as discussed above. In addition, Ikeda further discloses a data processing apparatus wherein the controlling device makes access to the first data and the second data with the use of the first password. (Page 2, paragraph 14)

In addition, Shimada further discloses the controlling device changes the second password to the first password after the update of the first data; (Col. 3, lines 38-40)
As per claim 15 and 21:

Ikeda and Shimada teach all the subject matter as discussed above. In addition, Ikeda further discloses a data processing apparatus and a method wherein the first data is stored in the first recording medium; (Page 4, paragraphs 71, 72 and 91) the second data is stored in the second recording medium; (Page 13, paragraph 232) the first password is used for access to the first medium. (Page 2, paragraph 14)

In addition, Shimada further discloses a data processing apparatus and a method wherein a second password is used for access to the second medium. (Col. 3, lines 38-40)

As per claim 16 and 22:

Ikeda and Shimada teach all the subject matter as discussed above. In addition, Ikeda further discloses a data processing apparatus and a method wherein the first password is unique for each individual data processing apparatus; (Page 2, paragraph 14)

In addition, Shimada further discloses a data processing apparatus wherein a second password is common for a plurality of update recording media. (Col. 1, lines 46-49; Col. 3, lines 38-40)

As per claim 18 and 24:

Ikeda and Shimada teach all the subject matter as discussed above. In addition, Ikeda further discloses a data processing apparatus and a method wherein both first data and second data are map data; (Page 14, paragraph 235) and the second data is newer than the first data. (Page 14, paragraph 235)

As per claim 19:

Ikeda teaches a data processing method for a data processing apparatus with a re-writable recording medium and a controlling device, and comprising:

a clear process for clearing restriction of access to the first data with the use of the first password; (Page 2, paragraph 14)

Ikeda does not explicitly disclose a determination process for determining whether the second data is original with the use of the second password; and an update process for updating the first data with the second data when the second data is determined to be original.

Shimada in analogous art, however, discloses a determination process for determining whether the second data is original with the use of the second password; (Col. 3, lines 47-55) and an update process for updating the first data with the second data when the second data is determined to be original. (Col. 3, lines 38-40)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Ikeda to include a determination process for determining whether the second data is original with the use of the second password; and an update process for updating the first data with the second data when the second data is determined to be original. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Shimada (Abstract) in order to compare two passwords to permit access to the data in accordance with the comparison results. As per claim 20:

Ikeda and Shimada teach all the subject matter as discussed above. In addition, Shimada further disclose a data processing method wherein the second password is changed to the first password after the update of the first data. (Col. 3, lines 38-40)

6. Claims 2-3, 6, 17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda United States Publication Number 2002/0174360 in view of Shimada United States Letter Patent Number 5,922,073 and further in view of Morisawa et al. (hereinafter Morisawa) United States Letter Patent Number 5,537,544.

As per claim 2:

Ikeda and Shimada teach all the subject matter as discussed above. In addition, Ikeda further discloses a data processing apparatus that executes said data processing using said data that are recorded on said recording medium, and comprising:

a memory device for storing said first password data (Page 6, paragraph 98)

In addition, Shimada further discloses

an extraction device for extracting the password data that are recorded on said recording medium; (Col. 3, lines 41-44)

a judgment device for determining the contents of said extracted password data; (Col. 3, lines 47-55) and

an update device for updating said password data that are recorded on said recording medium to said first password data when said judged contents are the same as the contents of said second password. (Col. 3, lines 38-40)

Both references do not explicitly disclose a memory device for storing said first password data together with said second password data.

Morisawa in analogous art, however, discloses a memory device for storing said first password data together with said second password data. (Col. 3, lines 14-16; Col. 5, lines 57-59; Col. 34, lines 20-21)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Ikeda and Shimada to include a memory device for storing said first password data together with said second password data. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Morisawa (Abstract) in order to have a password control system that holds one or more registered password to allow data processing when a password identical to one of the registered passwords is inputted.

As per claim 3:

Ikeda, Shimada and Morisawa teach all the subject matter as discussed above.

In addition, Shimada further discloses

a data processing apparatus comprising a recording and reproduction device for performing at least recording data on or reproducing data from said recording medium; (Col. 1, lines 65-67) and

a prohibiting device for prohibiting execution of said recording or said reproduction when said judged contents differ from both the contents of said first password and contents of said second password that are stored in said memory device. (Col. 3, lines 65-67 and Col. 4, lines 1-4)

As per claim 6, 17 and 23:

Ikeda and Shimada teach all the subject matter as discussed above. Both references do not explicitly disclose a data processing apparatus and a method wherein said second password is stored in said password memory device together with said first password.

Morisawa in analogous art, however, discloses second password is stored in said password memory device together with said first password. (Col. 3, lines 14-16; Col. 5, lines 57-59; Col. 34, lines 20-21)

The rationale for combining the above references is the same as claim 2 above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shewaye Gelagay whose telephone number is 571-272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shewaye Gelagay
12/09/05

SG

Matthew P. Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137